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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 834/2006

SMT. BEENA BUNDEL & ANR. Vs. JAI SHIVRAM

DATE: 28.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. B.L. Bundel for the petitioners.

Mr. A.K. Gupta for the respondent.

The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioners against the order dated 19.05.2006 passed by the Additional Chief Judicial Magistrate No.4, Bharatpur in Criminal Case No. 184/2004, whereby the application of the petitioners moved under Section 125 Cr.P.C. has been allowed and maintenance @ Rs. 2,000/- per month each in favour of the petitioner No.1, wife of the respondent and petitioner No.2, son of the respondent has been granted, totaling to Rs. 4,000/- per month from the date of passing of the order i.e. 19.05.2006.

The main challenge to the impugned order is on the ground that the maintenance was made effective from

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the date of passing of the order i.e. 19.05.2006. Learned counsel for the petitioner also placed reliance on the judgment rendered by this Court wherein maintenance has been granted from the date of filing of the application. Therefore, the first arguments of the learned counsel for the petitioners is that the maintenance should be granted from the date of filing of the application for seeking maintenance and secondly he prayed that the maintenance which has been awarded by the Court below be enhanced looking to the earning of the respondent-husband who is working as Jr. Engineer in Housing Board, Alwar.

Learned counsel Mr. Gupta appearing for the respondent-husband submits that no illegality has been committed by the Court below by which maintenance has been made effective from the date of passing of the order i.e. 19.05.2006 as the interim maintenance was allowed from the date of application and the same has been paid by the respondent-husband, thus permanent maintenance has rightly been made effective from the date of passing of the order i.e. 19.05.2006.

I have heard learned counsel for the petitioners, learned counsel for the respondent and gone through the impugned order dated 19.05.06.

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It is not disputed by the learned counsel for the petitioners that interim maintenance was granted on the application filed by the petitioners and after final arguments permanent maintenance was granted in favour of the petitioners i.e. the wife and son of the respondent @ Rs. 2000/- per month each totaling to Rs. 4,000/- per month and that has been rightly awarded looking to the status of the Jr. Engineer. Therefore, with regard to enhancement of maintenance, no case for enhancement of maintenance is made out.

Further on the question whether the maintenance order should be made effective from the date of passing of the order or from the date of filing of the application, as submitted by the parties the interim maintenance was awarded on the application filed by the petitioners from the date of application and permanent maintenance is made effective from the date of passing of the order dated 19.05.2006. I find no illegality or error apparent on the face of the record in the impugned order granting maintenance to the petitioners from the date of passing of the order i.e. 19.05.2006, which requires no interference whatsoever by this Court.

Consequently, the revision petition fails and

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the same is hereby dismissed.

(K.S. RATHORE), J.

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